



Official Minutes of the City of Cottonwood  
Planning & Zoning Commission Meeting  
Held May 19, 2008 at 6:00 PM in the Council Chambers  
826 N. Main Street - Cottonwood, Arizona

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Call to Order

Chairperson Gillespie called the meeting to order at 6:00 PM.

Roll Call

Chairperson Gillespie	Present	Member Kevin	Present
Vice Chairperson Kiyler	Present	Member Lovett	Present
Member Fisher	Present	Member Smith	Present
Member Gonzales	Present		

Staff Present:

Doug Bartosh, City Manager  
George Gehlert, Community Development Director  
Charlie Scully, Planner  
Carol Hulse, Planning Technician

Public Present:

None

Consideration of Minutes of April 21, 2008

*Commissioner Smith moved to approve the minutes of April 21, 2008. Commissioner Gonzales seconded the motion, which carried unanimously.*

**CONSIDERATION OF THE FOLLOWING HEARING APPLICATIONS:**

PCU 08-015 Consideration of a request for a Conditional Use Permit to allow an exception to Section 418 of Zoning Ordinance to accommodate outdoor installation of automotive sound equipment in a C-1 (Light Commercial) zone at 612 N. Main Street. APN 406-42-040B. Owner: Kleinschmidt Revocable Trust. Applicant: Rim Sight & Sound/Chris Cannizaro.

Director Gehlert announced that the applicant requested postponement until the June 16, 2008 meeting.

*Hearing postponed at applicant's request.*

Z 08-001 Consideration of a request for a zone change from R-2 (Single Family / Multiple Family Residential) to C-F (Community Facility) to accommodate construction of a proposed 52,000 (approx.) square foot Community Aquatics/Recreation Center for the City of Cottonwood. The property is located next to the City's Public Library / Pool and Tennis Court complex adjacent to the intersection of Paula Street and South Sixth Street, in Cottonwood. APN 406-42-181 / 406-42-182 / 406-42/252B. Owner: City of Cottonwood. Agent: Doug Bartosh, City Manager.

Director Gehlert announced that the item was postponed due to an advertising error.

*Hearing of request postponed due to an advertising error.*

**UNFINISHED BUSINESS:**

Director Gehlert announced that the following items would only be discussed (no action would be taken) due to an advertising error. He said, however, that staff would like to go over the amendments to date.

ZO 08-011 Discussion and possible action regarding amendments to Section 201 (Definitions); and Section 405 (Sign Code) including possible changes to sign code definitions, sign allowance standards, and requirements associated with repair, renovation, or replacement of legal, non-conforming signs.

Director Gehlert opened the discussion providing a brief history of the process to date and a summary of previous discussions. He said City Council directed staff to look at a better sign definition and set out the relationship between signs and special event permits. The proposed revisions address the following four issues.

1. Sign definition and relationship to special event permitting
2. Sign allowance
3. Legal non-conforming signs (maintenance and/or replacement)
4. Sign height.

Director Gehlert explained how, as the Zoning Administrator, he has interpreted the code regarding mascots and sign walkers, noting the recent state legislation enabling such “signs.” He said that our current code prohibits mascots and sign walkers but we have allowed them as part of special events permits. The state legislation says they can be on the sidewalk.

The Commission and staff discussed what started the sign code review, the progression of the review, and the recent state legislation that enabled sign walkers and the related free speech issues. Planner Scully said the legislation is not effective until January 1, 2009 and staff plans to wait for bigger cities to sort out the legislation. He noted that the latest draft is still broad by intent and called attention to the Supreme Court summary that was included in the packet.

Director Gehlert invited Commission members’ thoughts on the four sign issues he identified earlier.

City Manger Bartosh addressed the Commission. In summary, he said he was concerned that the direction they were going with the sign code might not be the right thing to do for the city. He asked the Commission to consider factors other than aesthetics when they work on the sign code revisions. He spoke specifically about economic impacts of regulations citing a potential car dealership that might locate elsewhere if they are not allowed to have the signage they want, which would be 18-feet high but replace a legal nonconforming 21-foot high sign. He emphasized that he wants to go by the rules but wants the rules to provide leeway to consider factors in addition to aesthetics. He said the car dealership’s attitude is that if they are going to get this much hassle over a sign they may not want to do business here. He questioned if losing a business over this issue would be good business for the city.

The extensive discussion that ensued covered the following points.

- Variances are a Board of Adjustment function and subject to a hardship circumstance.
- Using a variance to provide flexibility is not appropriate because no “hardship” would exist.
- One solution might be to change the code in the area of replacement of nonconforming signs or to come up with a new standard.
- Camp Verde has a special sign district along the freeway.
- Other businesses have been told that if they wanted to change the sign it would have to conform. Circle K and the Kentucky Fried Chicken bucket were cited as examples.
- There was discussion but no apparent consensus about whether the power to exercise latitude should go to the City Manager, Community Development Director, P&Z Commission, or DRB. Most seemed to feel DRB would be the logical choice.
- Other Commission members said that the current and/or revised code is written to apply to signs in general and to everyone. The code needs to accommodate all businesses in town. It should not be written to satisfy one business. Mr. Bartosh stressed that he did not want variations to be options for everyone and he did not believe that many businesses would want that large a sign. There was discussion pro and con about that statement.
- Several members questioned how the code could be changed to allow the desired flexibility yet prevent showing, or the perception of showing, favoritism to one person or business.

Some ideas discussed were as follows.

- Put something in code that correlates the square footage of signage to the square footage of building. An example of where that might not work was used car lots who typically have small buildings but very large lots.
- The code could give DRB the flexibility to allow a certain percent (25% was suggested) more signage if doing so would not block vision or negatively impact other businesses.
- The code could specify that buildings of a certain size (20,000 square feet and up was suggested) could have more signage.
- Mr. Bartosh suggested that it stay in the variance route. It may not be a hardship but it could make sense for the city.
- DRB could look at such requests objectively.
- Staggered options for DRB to consider should be defined.

Planner Scully asked the Commission if their ideas would apply to shopping centers. He said they are typically 100,000 square feet and the criteria discussed could potentially allow a 40-foot pole sign at the corner of Main and 89A. He suggested that DRB could talk about the nature of the sign such as its base, landscaping, etc.

Some Commission member thoughts were (not verbatim):

- Lovett: Why were there so many restrictions? She suggested that the DRB look at every sign request and make the determinations. Director Gehlert said he has similar concerns and emphasized that there must be a tangible basis for allowing one sign and denying another.
- Kevin: Does not want a situation where our restrictions push businesses to Camp Verde. We need balance.

- Gillespie: Does not like to leave these decisions up to boards and commissions. He wants criteria in black and white, defined height, etc. DRB could evaluate how everything meshes.
- Fisher: If shifted to DRB, what are their standards? DRB would need basis for decisions. We need to set up that basis.
- Kiyler: Why does the size of the building have anything to do with sign height? (There was miscellaneous discussion on this subject.)

Planner Scully said he will bring back wording next time about allowing a change of the panel within the frame on a nonconforming sign.

Director Gehlert said staff would look at staggered options for DRB, subject to design standards.

ZO 08-020 Discussion and possible action regarding amendment to Section 404.P (General Provisions) regarding requirements for temporary use permits, special events and related signage; and Section 405.G.9 (Temporary Signs) regarding amendments to standards for temporary signs.

Director Gehlert introduced the item explaining that it arose from the discussion about the sign definitions and the permitting processes. The intent was to “polish” up this section of the zoning code. He expressed staff frustration with the lack of a process to review special event permits, in general. The permits are administrative in nature and would be issued for a variety of uses. He summarized the intent of the revised permit application and noted sales that are exempt from the process.

Commissioner Kevin asked if the yard sale language was strong enough and referred to an auction contracted by a third party. Director Gehlert asked how far the Commission wants to go and said staff concern is to have a concrete review process in place. There was miscellaneous discussion with most members agreeing that the language in the code “by and for the residents” would eliminate third party sales if interpreted strictly. Planner Scully noted that staff wants to tie this code into the municipal code and have business registration regarding how many times a year can you have a garage sale before it becomes a business. Other cities have tried to enforce yard sales and it became a big mess. However, we need to expand this (the proposed code) to exclude things such as a hot dog stand at a garage sale.

Director Gehlert said that one new thing about this revision was that the temporary use permits would be allowed in areas other than commercial and industrial zones. They would be allowed in planned development and community facilities zones. He noted that the standards on pages 8 and 9 piggyback to the sign code. He asked the Commission to review the standards closely and provide feedback.

Director Gehlert initiated discussion about balloons on car lots noting that the proposed ordinance regarding temporary sales events and special events prohibits balloons, flags, or signs with animated or moving parts. Planner Scully asked if balloons would be ok for a limited time. Chairperson Gillespie said he believed the intent was that they could not be put up at will. However, they could be allowed with a special event permit. He prefers that they come in each time for a permit and not be allowed to use them four times a year with one permit. He also said balloons are ok with special events.

Director Gehlert attempted to sort out the specific things the Commission wanted to regulate with special event permits suggesting it might be things like balloon height, car lot decorating frequency, etc. Commission members discussed this at length. Director Gehlert said staff could write in standards for things the Commission discussed such as balloon height, number of days per year, etc.

Chairperson Gillespie and Planner Scully discussed that the special event sign is different from a permanent sign but they should correspond. Director Gehlert noted that staff needs to tweak the sign, temporary use, and special event codes to coincide. Planner Scully noted that if someone wants to do a use on a regular basis he could go for a conditional use permit. There are options.

Director Gehlert and Planner Scully talked briefly about the appeals portion of the proposed code and said they are getting advice from the City Attorney on portions of it.

ZO 08-012 Discussion and possible action regarding proposed amendments to the Zoning Ordinance, Section 424, "PAD" Planned Area Development Zone, pertaining to revised procedures, criteria, and submittal format for Planned Area Developments.

Planner Scully said this was on the agenda to discuss the question about the percentage of landscaping and parking. He said they deleted the 10% parking requirement from this section because of the proposal to deal with it in the landscaping ordinance.

Chairperson Gillespie, Planner Scully, and Director Gehlert engaged in discussion of the topic, making the following points.

Gillespie: reviewed previous discussions saying they discussed retaining the 30% landscaping requirement but giving DRB flexibility to lower it under certain circumstances. He gave several examples.

Scully: noted that requirements must tie into the impact of the development and suggested a fee-per-unit assessment.

Gehlert: said it sounded like Gillespie was saying

1. there should be additional option for receiving the 30% and
2. we should be more definitive about the development of given land – it should not be just a wash.

Director Gehlert explained the concept of master development plans.

Discussion of possible future work sessions

*There was no discussion.*

Informational Reports and Updates

Director Gehlert reported the following:

- Two pending Hearing Officer cases: one involving a contract post office substation owned by David Carl and operating without a certificate of occupancy; and Gardner's recycling operation on North Main Street.
- Staff is moving forward at the City Council level with the rental maintenance code.
- The Recreation Center project was delayed due to budgetary considerations but is expected to be part of the June agenda.
- Staff is continuing to work on landscaping and parking issues after being asked to look at perceived underutilized parking areas at big box stores.
- Two gas stations are proposed – one at Fry's and one at Safeway.
- Staff will be looking at a possible shared parking agreement between the Chamber of Commerce and Home Depot.
- It looks like the June 16 P&Z agenda will be sizeable.

Call to the Public

*No response.*

Adjournment

*Chairperson Gillespie adjourned the meeting at 8:01 p.m.*

Minutes prepared by: Carol Hulse, Planning Technician

Date Approved: 7/21/08